

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

JOSEPH PETER SCHMITT,

v.

JEFFREY SMITH, et al.

Defendants.

)
)
)
)
)
)
)
)

C.A. No. 2004-10451-RWZ

MOTION TO ENLARGE TIME TO
FILE A RESPONSIVE PLEADING OF DEFENDANT MASSACHUSETTS
DEPARTMENT OF CORRECTION

The defendant Massachusetts Department of Correction, through counsel, hereby moves this Honorable Court to enlarge the time for filing a responsive pleading up to and including December 20, 2004.

As reason therefore, defendant's counsel states that the need for additional time can be attributed to the need to further investigate the allegations of the complaint. Moreover, defendant's counsel is attending to pressing matters including custody issues, and a heavy litigation caseload. Plaintiff will not be prejudiced by any delay in receiving a responsive pleading.

Accordingly, defendant's counsel moves for an enlargement of time to file a responsive pleading up to and including December 20, 2004.

Respectfully submitted,

Defendant Department of Correction

By its attorneys:

NANCY ANKERS WHITE
Special Assistant Attorney General

/s/ Philip W. Silva
Philip W. Silva, Esq.
Bridgewater State Hospital
20 Administration Road
Bridgewater, MA 02324
(508) 279-4543
B.B.O. #548175

I hereby certify that a true copy of the above document was served upon each party appearing pro se by mail on November 10, 2004.

/s/ Philip W. Silva
Philip W. Silva, Esq.